

REMARKS

Claims 1-44 are pending in the present application. Claims 1-43 stand rejected pursuant to an Examiner's Office Action dated 01/27/2003. Claims 11, 14, 17, 31, 37, 42 and 43 have been amended, and Claim 44 has been added, herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The Examiner has rejected Claims 1-43 under 35 U.S.C. § 103 as being unpatentable over Duhon (US Patent No 6,311,169) in view of Masuda (US Patent No 5,883,452). This rejection is respectfully traversed.

With respect to Claim 1, none of the cited references teach or suggest any type of method for identifying teaser surfers, and hence Claim 1 is shown to not be obvious in view of the cited references.

Further with respect to Claim 1, none of the cited references teach or suggest the claimed steps of (i) summing total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months; and (ii) summing total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. As can be seen, Claim 1 recites two different summing steps, the first sums total monthly credit card debt for all credit cards, and the second sums total monthly new credit card debt for all new credit cards. The Examiner cites Duhon Col. 9, lines 5-15; Col. 15, line 20; and Col 16, lines 20-25 as reading on these claimed steps. Applicants show error in such assertion. Col. 9, lines 5-15 describes the graphical information shown in Figure 9, and includes (i) monthly installment current balance, (ii) total monthly current balance, (iii) past due amount, and (iv) total estimated monthly payments. There is no teaching or suggestion of a separate summing step for new credit card debt for all new credit cards issued, as claimed. Column 15, line 20 of Duhon merely states an account balance for an interval of one month, which does not teach or suggest the two different summing steps – one for total monthly credit card debt and one for total new monthly credit card debt – that are claimed. Column 16, lines 20-25 of

Duhon merely recites storing and displaying a total monthly credit balance, which does not teach or suggest the two different summing steps – one for total monthly credit card debt and one for total new monthly credit card debt - that are claimed.

Further with respect to Claim 1, none of the cited references teach or suggest the claimed step of ‘calculating a monthly percentage of relatively new credit card debt to total credit card debt’. As shown above, none of the cited references teach or suggest two summing steps – one for total debt and one for total new debt – and hence since these two summations are not performed, it is not possible to calculate a monthly percentage of new debt to total debt since both these numbers are not determined by Duhon. The teachings of Duhon cited by the Examiner at Col. 6, lines 55-65 do not overcome this deficiency. This passage states:

“In accordance with an important feature of the invention, the consumer credit data entered into the data base is not only maintained for a long period of time, the data is accumulated for various parameters, such as current balance, past due amount, etc and enables on-line users to make better decisions as to credit changes of the consumers.

Turning now to Fig. 3, there is shown an options screen wherein on-line customers have the opportunity to change credit reporting options during an on-line session. Options may be selected individually or according to standardized option packages as shown.”

As can be seen, the cited passage merely discusses that data is maintained for a long period of time and that data is accumulated for various parameters such as current balance to make better decisions. There is no teaching or suggestion of calculating a monthly percentage of new credit card debt to total credit card debt, as claimed.

Further with respect to Claim 1, there is no teaching or suggestion in either of the cited references of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'. The Examiner cites Col. 2, line 40; Col. 6, line 65; Col. 7, lines 5-15; Col. 8, lines 30-65; Col. 9, lines 5-30; and Col. 16 lines 15-20. Applicants show error as follows.

The cited passage at Col. 2 merely states that the disclosed system of Duhon provides a user-friendly, windows-based client software allowing for graphical interpretation of consumer credit history. A general statement regarding consumer credit history does not teach or suggest the specific claimed step of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'.

The cited passage at Col. 6 merely states selection of individual or standardized options. A generalized statement regarding options does not teach or suggest the specific claimed step of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'.

The cited passage at Col. 7 merely describes viewing various credit data to determine if there is a trend, and does not does not teach or suggest the specific claimed step of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'.

The cited passage at Col. 8 merely describes the data shown in Figure 8. This data shows account balance amounts and past due amounts. None of this data teaches or suggests the specific claimed step of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'.

The cited passage at Col. 9 merely describes the data shown in Figure 9, which includes monthly installment current balance, total monthly current balance, past due amount and total estimated monthly payments. None of this data teaches or suggests the specific claimed step of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'.

The cited passage at Col. 16 merely discusses storing a monthly installment current balance and a total monthly current balance for more than twelve months. A teaching of data storage for more than twelve months does not teach or suggest the specific claimed step of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'.

Thus, it is shown that contrary to the Examiner's assertion, the Duhon reference does not teach the claimed step of 'calculating an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months'.

Further with respect to Claim 1, none of the cited references teach or suggest the claimed step of 'comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt'. As shown above, the Huron reference does not teach calculation of an average percentage of relatively new credit card debt to total credit card debt, and thus it is not seen how such calculated average percentage – which is not shown or otherwise determined – can be used in a comparing step with a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Claim 1 is further shown to have been erroneously rejected by the Examiner.

In summary, none of the cited references teach or suggest any type of method for identifying teaser surfers, and in addition, numerous claimed steps used in such teaser surfer determination are not taught or suggested. Thus, it is shown that Claim 1 has been erroneously rejected.

Regarding Claims 2-10, although Applicants disagree with the Examiner's position regarding such claims - including improper hindsight analysis in combining the references - because of the significant differences between the claimed invention in Claim 1 and the cited references, Applicants traverse the rejection of Claims 2-10 for similar reasons to those given above regarding Claim 1.

With respect to Claim 11, Applicants show that none of the cited references teach or suggest the claimed step of “comparing the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt”, or issuing a credit card based on this comparison. The comparing step is shown to be missing for similar reasons to those given above regarding Claim 1. The issuing step is shown to be missing for similar reasons to those given below regarding Claim 17.

With respect to Claims 12-16, Applicants traverse for similar reasons to those given above regarding Claims 2-10.

With respect to Claim 17, Applicants show that none of the cited references teach or suggest a claimed method for identifying teaser surfers, and thus a prima facie case of obviousness has not been made for Claim 17.

Further with respect to Claim 17, Applicants show that none of the cited references teach or suggest the claimed steps of (1) ‘comparing an amount of new credit card debt to a total amount of credit card debt, or (2) ‘issuing a credit card to the creditor based on the comparison’. Regarding missing step (1), the Examiner states that Duhon teaches this at Col. 9, lines 5-15; Col. 15, line 20 and Col. 16, lines 20-25. Applicants show that Duhon at Col. 9, lines 5-15 merely describes the data shown in Figure 9, which includes monthly installment current balance, total monthly current balance, past due amount and total estimated monthly payments. None of this data teaches or suggests the specific claimed data processing implemented step of ‘comparing an amount of new credit card debt to a total amount of credit card debt’. Duhon Col 15, line 20 describes a bar representing an account balance. This does not teach or suggest the specific claimed data processing implemented step of ‘comparing an amount of new credit card debt to a total amount of credit card debt’. Duhon Col 16, lines 20-25 describes that data is maintained in a database for at least twelve months, and a computer system is programming to process this data. This does not teach or suggest the specific claimed data processing implemented step of ‘comparing an amount of new credit card debt to a total amount of credit card debt’. Hence, Claim 17 is shown to not be obvious in view of the cited references, as there is at least one missing claimed element.

Regarding missing claimed element (2), the Examiner acknowledges that Duhon does not teach this claimed step, but states that Masuda discloses issuing a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt. However, the Examiner provides no indication of such teaching exists in Masuda. Pursuant to 37 CFR 1.104(c)(2), Applicants request that the particular part relied upon be designated to Applicants, as Masuda shows or describes inventions other than that claimed by Applicants. Applicants further show that Masuda does not teach or describe the claimed concepts of both new credit card debt and total credit card debt, or any comparing of the two. Rather, Masuda teachings comparing of (i) identification information, (ii) a credit limit amount, (iii) issuance expiration date, (iv) use expiration date, and (v) password. Hence, Claim 17 is further shown to not be obvious in view of the cited references, as there is another missing claimed element.

Applicants traverse the rejection of dependent Claims 18-20 for similar reasons to those given above regarding independent Claim 17.

Applicants traverse the rejection of Claim 21 for similar reasons to those given above regarding Claim 1.

Applicants traverse the rejection of Claims 22-30 for similar reasons to those given above regarding Claims 2-10.

Applicants traverse the rejection of Claims 31-36 for similar reasons to those given above regarding Claims 11-16.

Applicants traverse the rejection of Claims 37-40 for similar reasons to those given above regarding Claims 17-20.

Applicants traverse the rejection of Claim 41 for similar reasons to those given above regarding Claim 1.

Applicants traverse the rejection of Claim 42 for similar reasons to those given above regarding Claim 11.

Applicants traverse the rejection of Claim 43 for similar reasons to those given above regarding Claim 17.

Therefore, the rejection of Claims 1-43 under 35 U.S.C. § 103 has been overcome.

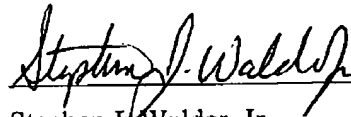
II. Conclusion

It is respectfully urged that the subject application is patentable over the cited references, and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 28, 2003

Respectfully submitted,



Stephen J. Walder, Jr.
Reg. No. 41,534

Wayne P. Bailey
Reg. No. 34,289
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorneys for Applicants